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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,087	07/24/2003	Logan D. Coffey		3141

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WILLIAM G. FORSTER
LAW OFFICES
WILLIAM G. FORSTER
P.O. BOX 577
SUMNER, WA 98390

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

100

Office Action Summary	Application No. 10/627,087	Applicant(s) COFFEY, LOGAN D.	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EA

DETAILED ACTION

Election/Restriction

Applicant's election without traverse of Group I in the telephone interview of December 7, 2004 and affirmed in the amendment dated June 14, 2005 is acknowledged.

Claims 9-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the telephone interview noted on the attached Interview Summary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pommier (US 5758589) in view of Gwinn (US 702724).

Pommier (figures 4, 8) teaches a sewable snap fastener constructed of resilient material for receiving stitches from a sewing process where a needle in the sewing process penetrates portions the sewable snap fastener, the sewable snap fastener provided for detachably fastening together two opposing pieces of material, the sewable snap fastener comprising: a socket member 6 adapted for sewed attachment to a first piece of material, said socket member comprising a socket portion defining a receiving cavity and a cavity lip leading into the receiving cavity, said socket member further comprising an integrally formed socket flange that extends

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outward from the socket portion to define a sewing region having a surface provided to receive stitches for stitching the socket member to the first piece of material, and a back surface disposed adjacent the first piece of material, wherein the stitch penetrations through the sewing region of the socket flange are produced from the sewing process; an opposing stud member 5 adapted for sewed attachment to a second piece of material, said stud member comprising a stud portion defining a projecting outer lip configured for engagement with the socket portion of the socket member so that the first and second pieces of material can be detachably joined, said stud member further comprising an integrally formed stud flange that extends outward from the stud portion to define a sewing region having a surface provided to receive stitches for stitching the stud member to the second piece of material, and a back surface disposed adjacent the second piece of material, wherein the stitch penetrations through the sewing region of the stud flange are produced from the sewing process; and channeling means for reducing the build up of unwanted debris within the sewable snap fastener in the form of a receiving cavity that extends from the cavity lip, through the socket portion of the socket member to the back surface of the socket member to allow debris to be channeled between the back surface of the socket member and the first piece of material. The difference is that the channeling means does not extend through the stud portion. However, Gwinn (figure 6) teaches resilient fastener structure including a channel extending through the stud member in a similar fashion to the channel extending through the socket member of Pommier so as to inherently permit the passage of debris. As it would be beneficial to have the channeling of debris to take place for the stud of the snap fastener of Pommier, too, it would have been obvious to modify the snap fastener of Pommier as suggested by Gwinn that has the channel extending through the stud so as to have the channeling of debris

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take place through the stud member. As to claim 8, the socket flange of the device of Pommier extends outward from the socket portion to define a sewing region having a surface wherein there is a single row of stitches to each side of the socket member and they are inherently inherently capable of being vertically oriented and thereby arranged in a vertical pattern so that the stitches would not obstruct debris from dropping away from the snap fastener between the back surface thereof and the material.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pommier (US 5758589) in view of Gwinn (US 702724) as applied to claim 1 above and further in view of Carr (US 1524637).

Further modification of the sewable snap fastener of Pommier so that the stud member has a compression slot would have been obvious in view of Carr (figures 1-4) teaching that the use of a compression slot 20, 21 in a stud member is well known to enhance the resilience of the stud member. As the enhancement of the resilience of the stud member of the snap fastener of Pommier would be desirable to reduce the insertion force, it would have been obvious to modify the stud member of Pommier to have such structure in view of Carr suggesting such structure to make the stud more resilient.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pommier (US 5758589) in view of Gwinn (US 702724) as applied to claim 1 above and further in view of Fenton (US 3169292).

Further modification of the sewable snap fastener of Pommier so that a counter bore defines the cavity lip would have been obvious in view of Fenton (figures 1, 3) teaching socket member structure where the cavity lip 19 is formed by a counter bore that extends through the

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socket portion from the back surface of the socket flange so as to have more positive engagement. As more positive engagement of the stud member with the socket member of the device of Pommier would be desirable, it would have been obvious to modify the snap fastener of Pommier as taught by Fenton so as to enhance the engagement of the stud and socket members.

Response to Arguments

Applicant's arguments dated June 14, 2005 have been fully considered but they are not persuasive.

Applicant argues that the secondary reference to Gwinn "teaches away from such a combination because the stud member disclosed in Guinn is constructed from metal that is bent, shaped and deformed to arrive at its final shape. In contrast, it would be nearly impossible to similarly deform and reshape applicant's stud portion of the fastener because of the resilient type of material employed in its manufacture" (remarks, page 16, lines 20-26). Applicant is shifting the argument to the method by which the device of Gwinn is made and away from the desirable feature of having both the socket member and stud member with an opening extending completely through the flanges so as to inherently permit debris to be channeled from the openings and behind the flanges. The device of Gwinn made be made of resilient metal and has preformed holes to allow the device to be sewn on, but it inherently has the channeling feature to prevent the build up of debris and is sufficient to suggest the modification of the device of Pommier to have such a feature in the stud member. While the claims at issue do not recite that the device can't be made of metal and the device of Gwinn is resilient, Gwinn doesn't indicate that the metal can be sewn through. Applicant is reminded that "[I]n considering the disclosure

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of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” *In re Preda*, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

Applicant’s arguments with respect to the application of Fenton and Carr are based on the limitations of claim 1 and these references are not be utilized to reject claim 1, but it is submitted they are properly applied for the limitations in the dependent claims as indicated in the above rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

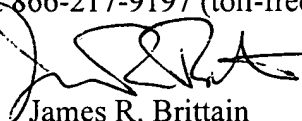
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065.

The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. R. Brittain', is written over the printed name.

James R. Brittain
Primary Examiner
Art Unit 3677

JRB